

Clawson
W. E. Brown

March 10, 1954
Letter Opinion
No. 54-53-L

Mr. E. A. Gomes
Purchasing Agent
Arizona State Prison
P. O. Box B
Florence, Arizona

LAW LIBRARY ARIZONA ATTORNEY GENERAL

Dear Mr. Gomes:

This is in reply to your questions concerning the payroll appropriation of the Arizona State Prison, which is divided into two parts for the 42nd fiscal year, \$57,180.00 of which was appropriated for "New Personnel" and \$218,910.00 of which was appropriated for "Other Personal Services". Chapter 132, Subdivision 37, Laws of 1953.

In answer to your first question concerning the meaning of the "New Personnel" classification of the prison personal services fund, it should be stated that there is no statute specifically governing the situation. Consequently, the words "New Personnel" must be given their common and approved meaning. "New", as used in this appropriation, we believe is defined as "having been in some relationship, position, or condition but a short time; hence, not habituated; unaccustomed; as, a new member; * * *" WEBSTER'S NEW INTERNATIONAL DICTIONARY, SECOND EDITION.

Since Chapter 132, supra, the general appropriation bill containing the prison appropriation became effective July 1, 1953, it seems apparent that those persons who had been recently employed at the prison just prior to July 1 should be paid, at least for a reasonable length of time, out of that portion of the prison appropriation entitled "New Personnel". We believe, also, that within any funds available in this appropriation additional personnel could be employed at the prison.

Your second question asks whether the prison administration is prohibited from taking men off the "New Personnel" payroll and transferring them to the "Other Personal Services" payroll. It is our opinion that it is not. Certainly, if the "New Personnel" funds were exhausted and funds were available in the "Other Personal Services" fund to maintain needed personnel at the prison, it would be ridiculous to hold such a transfer could not be made.

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It is our opinion, therefore, that it is purely a matter within the discretion of the proper administrative prison officials as to whether transfers should be made from the one payroll to the other. If it is determined that transfers are necessary, then it is our opinion that it is within the power of the prison administration to do so.

Yours very truly,

HFT:RM

HOWARD F. THOMPSON
Special Assistant to the
Attorney General